

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

FILED  
NOV 06 2018  
Clerk, U.S. Courts  
District Of Montana  
Missoula Division

CHARLES E. THEIS,

Plaintiff,

vs.

CAPTAIN JOEL T. SHEARER and  
PROVIDENCE ST. JOSEPH  
MEDICAL CENTER,

Defendants.

CV 17-79-M-DLC-JCL

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered his and Recommendations in this case on August 28, 2018, recommending Defendants' separate motions for summary judgment be granted and this action be dismissed. (Doc. 77 at 11.) Plaintiff did not object to the Findings and Recommendations and so has waived the right to de novo review thereof.<sup>1</sup> 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left

<sup>1</sup> Plaintiff instead filed a "Notice to Proceed to Trial" (Doc. 78) which states that he has not received mail in months but is ready to proceed to trial. As it is Plaintiff's obligation to keep the Court apprised of his current address (L. R. 5.2), and his "Notice" does not in any way change the facts upon which summary judgment is being granted, or even reference the issues, findings, or conclusions therein, the Court will not construe this "Notice" as an objection to Judge Lynch's Findings and Recommendations.

with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). Reviewing for clear error and finding none,

IT IS ORDERED that Judge Lynch’s Findings and Recommendations (Doc. 77) are ADOPTED IN FULL. Defendants’ motions for summary judgment (Docs. 49; 53) are GRANTED and this action is DISMISSED.

DATED this 6<sup>th</sup> day of November, 2018.



Dana L. Christensen  
Dana L. Christensen, Chief Judge  
United States District Court